

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAFIK VARTANPOUR,

Plaintiff,

v.

D.W. NEVEN, *et al.*,

Defendants.

Case No. 2:15-cv-00951-JAD-CWH

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1). On November 6, 2015, the Court entered a screening order. (ECF No. 6). The screening order imposed a 90-day stay and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. (ECF No. 6, 10, 11). The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 14).

Based on the financial information provided, the Court will grant Plaintiff leave to proceed *in forma pauperis*, but will require Plaintiff to pay an initial installment of the filing fee pursuant to 28 U.S.C. § 1915. The grant of *in forma pauperis* status adjusts the amount of the filing fee that Plaintiff must *prepay* – Plaintiff will be required to prepay an initial installment of **\$ 43.92**, instead of having to prepay the full \$350.00 filing fee for this action. The entire \$350.00 filing fee will, however, remain due from Plaintiff, and the institution where Plaintiff is incarcerated will collect money toward the payment of the full filing fee when Plaintiff's institutional account has a sufficient balance, pursuant to 28 U.S.C. § 1915. The entire

1 \$350.00 filing fee will remain due and payable, and will be collected from Plaintiff's institutional
2 account regardless of the outcome of this action.

3 **IT IS THEREFORE ORDERED** that:

4 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**,
5 however, Plaintiff must pay an initial partial filing fee of **\$ 43.92** toward the full filing fee of
6 \$350.00. Plaintiff shall have **thirty (30) days** from the date of this order to have the
7 designated fee sent to the Clerk of the Court. Failure to do so may result in dismissal of this
8 action. In the event that this action is dismissed, the full filing fee must still be paid pursuant
9 to 28 U.S.C. § 1915(b)(2).

10 2. Plaintiff is permitted to maintain this action to conclusion without the necessity
11 of prepayment of any additional fees or costs or the giving of security therefor. This order
12 granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service
13 of subpoenas at government expense.

14 3. The Clerk of the Court shall **SEND** Plaintiff two copies of this order. Plaintiff
15 **SHALL** make necessary arrangements to have one copy of this order attached to the check
16 in the amount of the designated fee, by sending a copy of the order with the "brass slip" for the
17 amount of the fee to Inmate Services for the Nevada Department of Corrections.

18 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall
19 pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding
20 month's deposits to Plaintiff's account (**Rafik Vartanpour, #1106591**), in the months that the
21 account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The
22 Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.
23 The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of
24 Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV
25 89702.

26 5. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy
27 of Plaintiff's complaint (ECF No. 7) on the Office of the Attorney General of the State of
28 Nevada, attention Kat Howe.

1 6. Subject to the findings of the screening order (ECF No. 6), within **twenty-one**
2 **(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice
3 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts
4 service; (b) the names of the defendants for whom it does not accept service, and (c) the
5 names of the defendants for whom it is filing last-known-address information under seal. As
6 to any of the named defendants for which the Attorney General's Office cannot accept service,
7 the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known
8 address(es) of those defendant(s) for whom it has such information.

9 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall
10 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and
11 specifying a full name and address for the defendant(s). For the defendant(s) as to which the
12 Attorney General has not provided last-known-address information, Plaintiff shall provide the
13 full name and address for the defendant(s).

14 8. If the Attorney General accepts service of process for any named defendant(s),
15 such defendant(s) shall file and serve an answer or other response to the complaint within
16 **sixty (60) days** from the date of this order.

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